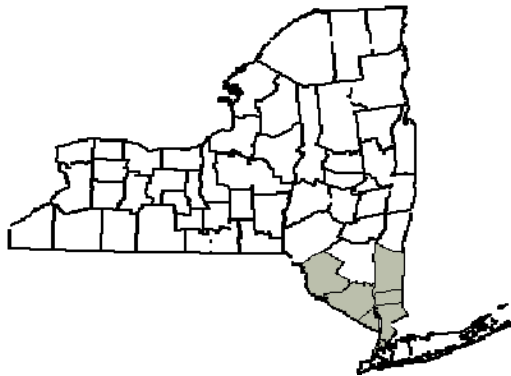


**Post-Booker Fiscal Year 2005 Guideline Sentences**

**NEW YORK, Southern**



**Gender, Race, and Ethnicity<sup>1</sup>**

	TOTAL		Male		Female	
<b>TOTAL</b>	<b>1,341</b>	<b>100.0%</b>	<b>1,190</b>	<b>88.7%</b>	<b>151</b>	<b>11.3%</b>
White	376	28.0%	349	92.8%	27	7.2%
Black	340	25.4%	283	83.2%	57	16.8%
Hispanic	541	40.3%	484	89.5%	57	10.5%
Other	84	6.3%	74	88.1%	10	11.9%

**Departure Status<sup>2</sup>**

	TOTAL	
<b>TOTAL</b>	<b>1,299</b>	<b>100.0%</b>
Sentenced Within Guideline Range	778	59.9%
Upward Departure from the Guideline Range	0	0.0%
Upward Departure with <i>Booker</i> /18 U.S.C. § 3553	1	0.1%
Above the Range with <i>Booker</i> /18 U.S.C. § 3553	3	0.2%
All Remaining Cases Above the Guideline Range	6	0.5%
§5K1.1 Substantial Assistance Departure	177	13.6%
§5K3.1 Early Disposition Program Departure	0	0.0%
Government-Sponsored Departure	19	1.5%
Downward Departure from the Guideline Range	37	2.8%
Downward Departure with <i>Booker</i> /18 U.S.C. § 3553	18	1.4%
Below the Range with <i>Booker</i> /18 U.S.C. § 3553	162	12.5%
All Remaining Cases Below the Guideline Range	98	7.5%

<b>Average Age<sup>3</sup></b>	Mean	Median
<b>TOTAL</b>	<b>37.9</b>	<b>36.0</b>
Male	37.8	36.0
Female	38.3	37.0

<b>Mode of Conviction<sup>4</sup></b>		
<b>TOTAL</b>	<b>1,361</b>	<b>100.0%</b>
Plea	1,252	92.0%
Trial	109	8.0%

**SENTENCING INFORMATION BY PRIMARY OFFENSE<sup>5</sup>**

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	All Other
	<b>1,366</b>	<b>17</b>	<b>54</b>	<b>16</b>	<b>287</b>	<b>508</b>	<b>15</b>	<b>136</b>	<b>155</b>	<b>178</b>

**CASES INVOLVING PRISON<sup>6</sup>**

<b>Total Receiving Prison</b>	<b>1,130</b>	<b>16</b>	<b>17</b>	<b>3</b>	<b>198</b>	<b>491</b>	<b>7</b>	<b>131</b>	<b>134</b>	<b>133</b>
Prison	1,085	16	16	2	180	480	7	126	133	125
Prison/Community Split	45	0	1	1	18	11	0	5	1	8
<b>Prison Term Ordered</b>										
Up to 12 Months	161	1	3	1	70	28	3	10	23	22
13-24 Months	206	2	10	1	54	51	2	24	31	31
25-36 Months	121	1	2	0	22	44	0	18	21	13
37-60 Months	297	3	0	1	33	133	2	44	45	36
Over 60 Months	337	9	2	0	18	232	0	34	13	29
Mean Sentence	61.5	84.0	26.4	18.0	28.3	81.5	22.9	70.7	34.4	60.5
Median Sentence	41.7	73.5	24.0	12.0	15.0	60.0	18.0	40.5	34.0	36.0

**CASES INVOLVING PROBATION**

<b>Total Receiving Probation</b>	<b>228</b>	<b>1</b>	<b>35</b>	<b>13</b>	<b>89</b>	<b>15</b>	<b>8</b>	<b>5</b>	<b>20</b>	<b>42</b>
Probation Only	174	1	31	11	62	13	8	4	16	28
Probation and Confinement	54	0	4	2	27	2	0	1	4	14

**CASES INVOLVING FINES AND RESTITUTION<sup>7</sup>**

Total Receiving Fines and Restitution	394	10	38	13	194	34	6	15	17	67
Median Dollar Amount	\$20,000	\$11,499	\$17,035	\$14,500	\$69,847	\$5,000	\$11,655	\$3,000	\$2,500	\$10,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).